

CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

June 1, 2011

Members Present:

Richard Pfifer
Bob Swinehamer
Tim Holmes
Phil Barrow
Rev. Richard Martin

Chairman
Vice Chairman
Secretary
Member
Member

Others Present:

Joanna Myers
Lynn Gray
Jaime Harshman

Senior Planner
Legal Counsel
Recording Secretary

Call to Order:

Richard Pfifer, Chairman, called the meeting to order at 7:00 p.m.

Approval of Minutes:

Phil Barrow made a motion to approve the May 4, 2011 minutes as presented. Rev. Martin seconded the motion. The members voted unanimously to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

None.

New Business:

ZB 2011-07 (V): Allen Paris- CONTINUED TO JULY 6, 2011:

Ms. Myers stated the case was automatically continued to the July 6, 2011 meeting, as the legal notice requirements had not been met.

ZB 2011-08 (V): Joe Baker Enterprises, Inc.:

Ms. Myers stated the petition is for a developmental standards variance to allow a zero foot setback along the north and south property lines and also a 25 foot setback along the east property line. The property is located at the northwest corner of Province Street and Yandes Street. It is located in an Industrial: General zoning district. A variance is needed, as the minimum setback from all property lines in the IG zoning district is 50 feet.

Joe Baker, petitioner, stated the property was bought from Steve Cox and that he now owns all interest in the property. He stated he didn't see any reason to place the red building on the dirt. He stated that Mr. Cox had put it on the wood and had put big cement dividers and mulch with a cement perimeter on the property. Mr. Baker stated that the cement dividers have been removed. Mr. Baker submitted photos for the record. Ms. Gray marked the set as Exhibit A, photos 1-15.

Mr. Baker stated the property is 0.78 acres. He stated the ordinance says that Industrial: General requires properties to be 2 acres and that he couldn't put anything on the property with it being that small and such an irregular lot. He is asking for a zero foot setback. He stated there are already buildings as close to 9 feet to the railroad track within the area. Mr. Baker submitted a second set of photos for the record. Ms. Gray marked the set as Exhibit B.

Mr. Baker stated that the approval will not be injurious to the general welfare as other properties are developed in a similar manner with buildings nearer the property lines than 50 feet.

Mr. Baker stated that he sent out notices to everyone within 500 feet of the property.

Mr. Baker stated that he has the land and that he has to do something with it. He stated that Dennis Dougherty, whom he bought the property from, told him the setbacks were different than they are. He either has to move the building 5 feet to get it on his property and not the railroad property or remove it.

Steve Reece, 920 Yandes Street, stated that there is a big problem with a zero setback. He stated that on the corner of Province and Yandes Street there's a storm drain and the zero setback will make it worse. The City said they're going to repair the drains and road next year. He stated the drain is not working right now and with the variance, it will clog the drain more. Mr. Reece stated that the area has single-family dwellings up to Province Street. He stated that 2 inches of water would stand after it rains and this request will make it worse.

Joe Ault stated he is not here to speak for or against the request. He stated that Mr. Baker is of good character and what he's planning to do will improve the property but he is not in favor of zero foot setbacks.

Mr. Baker stated he would keep structures 25 feet from Yandes Street and that a building wouldn't be right on the road to the south but 60 feet from the road. He stated that he has kept the drain clear. He is not going to put anything industrial in the area. He would not do something on the lot to make it look bad and stated that the railroad spur to the south is abandoned and not used. Mr. Ault stated that the railroad used that spur for railroad equipment about 2 years ago.

Mr. Holmes questioned if it were a display area for people to see what kind of buildings they want to sell. Mr. Baker stated that the building would be for show and storage buildings would be added as well. Ms. Gray stated he would have to come before the Plan Commission to get approval for improving the site.

Mr. Baker stated he couldn't really plan anything until he gets the variance and then goes to Plan Commission. He's just trying to figure out what to do. Phil Barrow questioned if he wanted to have some kind of an office or anything permanent there. Mr. Baker stated yes, eventually.

Ms. Myers stated that everything on the site or previously on the site was required to go through some kind of approval and is part of the notice of violation. Ms. Gray stated that they have no authority to allow them to build on someone else's property.

Mr. Swinehamer confirmed that the request is to get relief from the minimum setbacks. He stated the shape of the lot makes it difficult to do anything with it. On the north property line and south property line Mr. Baker is asking for zero setbacks. Mr. Swinehamer stated that the property is bounded on the north and south by the railroad, which restricts access to the east side only.

Mr. Baker stated he moved the concrete dividers and dirt. Mr. Baker stated that it was removed today. Mr. Swinehamer stated that if he wants to sell the buildings, he'd need to go through the appropriate procedures prior to beginning construction. He proposed that the Board grant him the 25 feet setback on the east property line and on the north and south, make it 10 feet.

Mr. Reece stated that there's not off street parking. Ms. Gray stated the only issue is whether to grant the setback variance request. Mr. Homes stated he agreed with Mr. Swinehamer's suggestion on the 10 and 25 foot setbacks. Mr. Swinehamer stated there is some practical difficulty with the shape of the lot.

Ms. Myers stated that Staff suggested that the front, rear and side yard setbacks be reduced to 25 feet for a structure, not for parking or landscaping. He could go closer to the property line with those other improvements. Ms. Myers stated that parking is taken into consideration in regards to the number of employees.

Ms. Myers stated that staff recommends denial; however, if the Board finds sufficient evidence, staff would recommend approval with the following modifications:

1. Front, rear and side yard setbacks for all structures are a minimum of 25 feet.
2. The existing site shall be brought into compliance with regulations outlined in the current zoning ordinance.
3. All improvements shall be approved and permits obtained prior to commencing construction.

Action Taken on ZB 2011-08 (V): Joe Baker Enterprises, Inc.:

Tim Holmes made a motion to approve the variance with the conditions stated by staff, with the exception of the minimum setback being 10 feet on the north and south sides and 25 feet on the east side. Phil Barrow seconded the motion. The motion passed unanimously.

Ms. Gray stated the building needs to be removed and would need a permit before it can be relocated on the property.

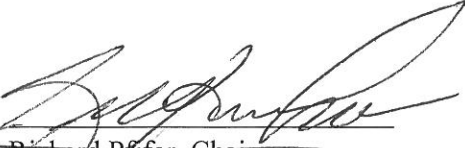
Other Business:

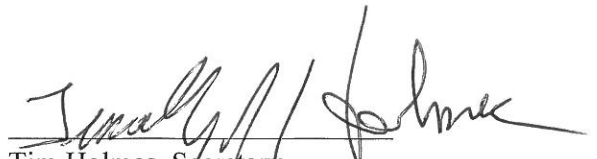
None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 6th of July, 2011.


Richard Defer, Chairman
BOB SUSINEHAM Vice Chairman


Tim Holmes, Secretary